



California Regional Water Quality Control Board San Diego Region



Linda S. Adams
Secretary for
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from U.S. EPA

Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
<http://www.waterboards.ca.gov/sandiego>

February 17, 2010

Ms. Rita Geldert
City Manager
City of Vista
600 Eucalyptus Avenue
Vista, CA 92084-6240

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
7009 1410 0002 2347 3780

In reply refer to:
Place No. 631524:cmeans

RE: NOTICE OF VIOLATION NO. R9-2010-0029

Dear Ms. Geldert:

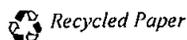
Enclosed is **Notice of Violation (NOV) No. R9-2010-0029** issued to the Buena Sanitation District (BSD) for violations of State Water Resources Control Board Order No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems*. NOV No. R9-2010-0029 is issued to the BSD for failure to certify that it has developed and implemented a written Sewer System Management Plan for the Buena Collection System.

Please provide a written response to the Regional Board by March 15, 2010 describing how the agency has or will resolve the violations alleged in the NOV. Your response will be reviewed to determine if appropriate measures have been taken to address the violations noted and to assess the need for further enforcement action.

In the subject line of any response, please include the requested **"In reply refer to:"** information located in the heading of this letter. Questions pertaining to the issuance of this NOV should be directed to Christopher Means at (858) 637-5581 or cmeans@waterboards.ca.gov.

01-01-2010

California Environmental Protection Agency



Ms. Rita Geldert
City of Vista
NOV R9-2010-0029

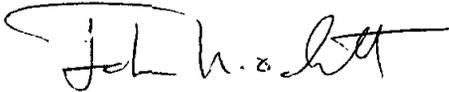
- 2 -

February 17, 2010

Written correspondence pertaining to this NOV should be directed to the following address:

California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100, San Diego, CA 92123-4340
Attn: Mr. Christopher Means

Respectfully,



JOHN R. ODERMATT, M.Sc., PG
Senior Engineering Geologist, Acting Branch Chief
Water Quality Restoration and Standards Branch

JRO:jch:cjm

Order No.	R9-2010-0029
CIWQS Place ID	631524
Violation ID	860946
Reg. Measure No.	373094

Enclosures: Notice of Violation R9-2010-0029

Cc via email: (w/encl.)

James Fischer, State Water Board, Office of Enforcement,
jfischer@waterboards.ca.gov

Russell Norman, State Water Board, SSO Program,
rnorman@waterboards.ca.gov

Steve Jepsen, Sanitation Program Manager,
sjepsen@cityofvista.com

01-01-10

California Environmental Protection Agency



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February 17, 2010

<p>IN THE MATTER OF:</p> <p>Ms. Rita Geldert City Manager City of Vista 600 Eucalyptus Avenue Vista, CA 92084</p>	<p>NOTICE OF VIOLATION NO. R9-2010-0029</p> <p>Failure to Comply With State Water Resources Control Board Order No. 2006-0003-DWQ, Buena Sanitation District</p>
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State Water Resources Control Board Order No. 2006-0003-DWQ

YOU ARE HEREBY NOTIFIED THAT:

The Buena Sanitation District (BSD) is in violation of State Water Resources Control Board (State Water Board) Order No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems* for failing to develop and self-certify a Sewer System Management Plan (SSMP) in compliance with the required time schedule for the Buena Collection System.

Such violations may subject you to further enforcement action by the State Water Board and California Regional Water Quality Control Board, San Diego Region (Regional Board), including administrative enforcement orders such as administrative civil liability in amounts of up to \$5,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

Summary of Violations:

FAILURE TO DEVELOP AND CERTIFY SSMP

The BSD failed to certify development of a written SSMP for the Buena Collection System in compliance with the provisions and time schedule required in Order No 2006-0003-DWQ.

- 1. Pursuant to Provision D.14:** The Enrollee shall certify that the SSMP, and subparts thereof, are in compliance with the general waste discharge requirements of Order No. 2006-0003-DWQ by completing the certification portion of the Online Sanitary Sewer Overflow (SSO) database.

2. Pursuant to Provision D.15: The Enrollee shall comply with these requirements according to the time schedule in this section.

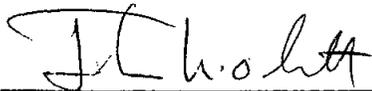
Allegation: BSD failed to complete and self-certify the following SSMP sections in the online SSO database by the due dates provided in Provision D.15:

SSMP Section	Completion Due Date	Status
5: Design & Performance Provisions	08/02/2008	Not Completed
8: System Evaluation and Capacity Assurance Plan	08/02/2009	Not Completed
9: Monitoring, Measurement and Program Modifications	08/02/2009	Not Completed
12: SSMP Completion and Certification	08/02/2009	Not Completed

Therefore, BSD has not verified compliance with requirements to develop an SSMP as required by Order No 2006-0003-DWQ.

Questions concerning the issuance of this Notice of Violation should be directed to Mr. Christopher Means at (858) 637-5581 or cmeans@waterboards.ca.gov. Written correspondence pertaining to this Notice of Violation should be directed to the following address:

California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100, San Diego, CA 92123-4340
Attn: Mr. Christopher Means



JOHN R. ODERMATT, M.Sc., PG
Senior Engineering Geologist, Acting Branch Chief
Water Quality Restoration and Standards Branch

2-17-10

DATE

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OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To Ms. Rita Geldert
 Street, Apt. No., or PO Box No. 600 Eucalyptus Ave
 City, State, ZIP+4 Vista, CA 92084-6240
 PS Form 3800, August 2006 See Reverse for Instructions

COMPLETE THIS SECTION

1, 2, and 3. Also complete Restricted Delivery is desired. and address on the reverse return the card to you. to the back of the mailpiece, space permits.

to:
Geldert
ager
Vista
lyptus Ave
92084-6240

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

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